



# Department of Justice

FOR IMMEDIATE RELEASE  
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**JUSTICE DEPARTMENT WILL NOT CHALLENGE MERGER  
OF TWO MOBILE, ALABAMA, ORTHOPEDIC GROUPS**

WASHINGTON, D.C. -- The Department of Justice said today it would not challenge the proposed merger of two groups of orthopedic specialists in Mobile, Alabama.

In a Business Review Letter issued by the Department's Antitrust Division, Acting Assistant Attorney General Joel I. Klein said, "the merger of Orthopaedic Associates of Mobile, P.A., and the Bone & Joint Center of Mobile is not likely to lessen competition substantially."

Based substantially upon information presented by the two groups, the Department concluded that the merger should be analyzed for its effect in the market for orthopedic services provided by orthopedic specialists.

In this market, there are 50 providers in the Mobile area, composed of Mobile and Baldwin Counties. Each of the merging groups has eight orthopedic specialists, or 16% of the market, so the merged group will have a total of 16 orthopedic specialists, or 32% of the market.

The Department said that although such a combination of physicians in a market could raise competitive concerns, in this instance no such concerns were expressed by third-party payers. One payer noted that it would have "at least 12 alternative"

orthopedists or orthopedic groups to turn to if the merged group were to raise its prices.

While the Department does not intend to challenge the merger, it reserves the right to bring an enforcement action if the merger should prove to have an anticompetitive effect.

Under the Department's business review procedure, an organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division will challenge the action under the antitrust laws.

A file containing the business review request and the Department's response may be examined in the Legal Procedure Unit of the Antitrust Division, Room 215 Liberty Place, 325 7th Street, N.W., Department of Justice, Washington, D.C. 20004. After a 30-day waiting period, the documents supporting the business review will be added to the file, unless a basis for their exclusion for reasons of confidentiality has been established pursuant to Paragraph 10(c) of the Business Review Procedure.

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